COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Notice of Inquiry Re: Competitive Market Initiatives	)	D.T.E. 01-54 (Phase I)

COMMENTS OF BOSTON EDISON COMPANY, CAMBRIDGE ELECTRIC LIGHT COMPANY AND COMMONWEALTH ELECTRIC COMPANY, d/b/a NSTAR ELECTRIC

Submitted by :

John Cope-Flanagan, Esq.
Assistant General Counsel
NSTAR Electric & Gas Corporation
800 Boylston Street
Boston, MA 02199

Robert N. Werlin, Esq.
John K. Habib, Esq.
Keegan, Werlin & Pabian, LLP
21 Custom House Street
Boston, Massachusetts 02110

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TABLE OF CONTENTS

EXECUTIVE SUMMARY

Comments of NSTAR Electric - D.T.E. 01-54

In its Notice of Inquiry ("NOI"), the Department directed distribution companies to provide qualified competitive suppliers the names, addresses and rate classes of their default service customers. The Department also sought comments regarding whether additional customer information might be provided to suppliers and, if so, the best means of providing such information.

NSTAR Electric's comments are summarized as follows:

- The information sought by suppliers (in addition to names and addresses), e.g., load data, billing data, credit information and low-income status, are considered confidential and/or proprietary customer information and should not be provided to suppliers/brokers without prior express authorization by the customer.

- The Department should not allow customer information to be shared directly with suppliers via an "opt-out" system because such a system risks the perception by customers that they are being "slammed." Because of the lack of customer enthusiasm for reading notices from distribution companies, under an "opt-out" system, many customers will either ignore or disregard the opportunity to take their names off of a customer list, resulting in confidential customer information being shared with suppliers without their express consent. The negative perceptions of the distribution companies, the Department, the Act and industry restructuring, in general, that will result from such a system can, and should be, avoided by allowing customer information to be shared only after affirmative consent by customers.

- Although the NSTAR Electric assumes that there is a greater opportunity for suppliers to market services to default service customers, it does not oppose providing suppliers with the names, addresses and rate classes of its standard offer customers, to the extent such information is requested by suppliers that fit the criteria outlined in the Department's NOI.

- In addition to establishing a common format for customer lists, the Department should allow distribution companies to update such lists at regular intervals, but not require lists to be updated in "real time" as suppliers request them. Moreover, the Department should allow distribution companies to recover from suppliers the costs expended to compile and distribute customer lists.

- The Department has clear authority via G.L. c. 164, § 1F(7) to impose penalties on suppliers/brokers that misuse customer information.

- There is no statutory impediment for the Department to permit electronic signatures for the authorization for the release of customer information. The only action that needs to occur is for the Department to amend the requirements of 220

C.M.R. § 11.05(4)(a). As to the issue of the initiation of service from a competitive supplier, the Department is bound by the strictures of the Restructuring Act, which requires the "signing of a letter of authorization." Although the definition of the term "signing" in the Restructuring Act is ambiguous, assuming that only so-called "wet" signatures comply, the Legislature may need to change the law to permit electronic signatures to be used to authorize initiation of service by a competitive supplier.

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I. INTRODUCTION

Boston Edison Company, Cambridge Electric Light Company and Commonwealth Electric Company, d/b/a NSTAR Electric ("NSTAR Electric" or the "Company"), hereby file the following comments on competitive initiatives in the above-referenced proceeding. On May 10, 2001, the Department of Telecommunications and Energy (the "Department") issued a notice soliciting the participation of interested persons in a one-day conference to identify regulatory barriers to the development of a robust competitive retail electricity market in the Commonwealth, with the goal of eliminating such barriers, where possible. Pursuant to the Department's notice, a conference was held on May 31, 2001, at which distribution companies, competitive suppliers and consumer advocates offered their perspectives to the Department on this issue. At the invitation of the Department, many participants at the May 31 conference submitted written comments to the Department on or about June 14, 2001. On June 29, 2001, the Department officially issued a Notice of Inquiry/Generic Proceeding into Competitive Market Initiatives (the "NOI").

In its NOI, the Department noted suppliers' comments that the lack of information

about customers is a significant obstacle in providing service to Massachusetts electricity customers, particularly those on default service. NOI at 5. The Department recognized that distribution companies, including NSTAR Electric, are currently pursuing programs to facilitate communications between default service customers and competitive suppliers that are interested in serving such customers. Id. at 3-5. These programs, in varying degrees, identify default service customers for licensed suppliers so that they may narrowly target their marketing efforts to such customers. However, in an effort to standardize the types of customer information that distribution companies provide to suppliers, the Department directed the distribution companies to provide to licensed suppliers, upon their request, the names, addresses, and rate classes of the distribution companies' default service customers. Id. at 6. The Department conditioned this directive on suppliers executing agreements with distribution companies requiring suppliers not to use customer information for "any purpose other than to market electricity-related services." Id. In addition, the Department also directed each distribution company to establish a list of "Active Competitive Suppliers" that are licensed by the Department, have completed electronic data transfer testing with the distribution company and are "willing and able" to serve customers presently. Id.

Moreover, the Department proposed that each distribution company be required to provide to competitive suppliers, upon their request, the historic load information and credit information for those default service customers that have affirmatively authorized the distribution company to release such information. Id. at 8. This issue, part of "Phase I" of the Department's investigation, was discussed at an additional technical

conference held on July 24, 2001.[1] During that technical conference, the Department indicated that it was interested in receiving comment on other issues regarding the scope of information that distribution companies may be able to provide to suppliers via a customer list and the procedures by which such information should be shared, if at all. Specifically, the Department sought comment on the following issues:

- In addition to name, address and rate class, should other types of customer information be provided directly to suppliers/brokers without prior authorization by the customer (Tr. at 77-79)? Are there legal restrictions regarding the provision of customer credit information (Tr. at 99-100, 132-140)?

- Should a distribution company include a customer on its list unless otherwise notified by the customer (i.e., "opt-out") or should a customer be placed on a list only by request after specific customer authorization ("opt-in") (Tr. at 66)? What customer education plan is necessary for either an "opt-in" or "opt-out" mechanism (Tr. at 66)?

- Should a customer list include both default service customers and standard offer service customers (Tr. at 58, 65)?

- How frequently will distribution companies update the information on their customer lists and by what means will distribution companies provide suppliers/brokers with information (e.g., e-mail, Internet access) (Tr. at 58)? May the distribution companies charge a fee for compiling and providing this information (Tr. at 65)?

- Does the Department have authority to impose penalties on suppliers/brokers that misuse customer information (Tr. at 71-72)?

In addition, the Department issued a briefing question asking participants to research whether the use of electronic signatures is valid in Massachusetts. Competitive Initiatives, D.T.E. 01-54, Hearing Officer Memorandum at 1-2 (July 27, 2001); Tr. at 131-132).

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[1] The NOI also noted that the Department will be investigating competitive initiatives in multiple phases, including proposals regarding Internet auctions, municipal aggregation, Internet-authorization ("electronic signatures") and the use of distribution companies as electricity brokers. NOI at 9-10.

The Companies' responses are outlined below.

II. COMMENTS

A. Customer Authorization Should Be Required for the Release of Additional Customer Information.

The crux of many of the questions raised by the Department and participants at the July 24 conference is: What type of customer information should be shared directly with suppliers without the customer's prior authorization? As noted above, the Department has directed distribution companies to provide to licensed suppliers, upon request, a list of default service customers that includes such customers' names, addresses and rate classes.[2] NOI at 6. In doing so, the Department found that although "distribution companies and suppliers must handle this information in a sensitive manner, [this information is] not proprietary." Id. However, recognizing the sensitive nature of customer load data and credit information, the Department conditioned sharing such information upon the receipt of customer authorization. Id. at 8. The Department based its proposal on the assumption that, "[u]nlike customers' names and addresses, historic load data and credit information may be considered proprietary information…." Id.

Participants at the July 24 conference proposed sharing additional customer information directly with suppliers without a customer's prior authorization including: (1) historical load data; (2) interval data; (3) credit information; (4) load-profile category; (5) meter type; (6) whether a customer is on a budget bill; and (7) whether a customer is

[2] It is the Company's understanding that, to date, each distribution company has provided customer lists to qualified suppliers that have requested such information (Tr. at 17-18). Regarding residential customers, NSTAR Electric has interpreted the Department's rate class directive by providing suppliers with information regarding a customer's residential status without providing suppliers with the specific customer rate because such information could be used to identify residential customers based on their income eligibility for such a rate.

on a "universal service" or other low-income program.[3] NSTAR Electric believes that, even though the Department is understandably interested in promoting the most robust competitive electricity market possible, customers must ultimately have the right to choose whether to share their electricity-related information with a supplier.

The Department has recognized that certain customer-specific information may be sensitive, and thus, has restricted the sharing of such information. The Electric Restructuring Act of 1997 (the "Restructuring Act" or the "Act") addresses the sharing of customer information in two sections, codified as G.L. c. 164, §§ 1C and 1F(7). In G.L. c. 164, § 1F(7), the Act requires the Department to establish a code of conduct:

> …applicable to the provision of distribution and transmission services and the retail sale of electricity to all customers, including, but not limited to, rules and regulations governing the confidentiality of customer records.

This section authorizes the Department to impose civil penalties upon its violation. Id. Moreover, G.L. c. 164, § 1C(v) and the Department's regulations governing standards of conduct ("Standards of Conduct") restrict distribution companies from sharing proprietary customer information to such companies' competitive affiliates without prior written authorization from a customer. The underlying assumption of this provision is that customer-specific information is considered to be confidential and proprietary (to the customer) and disclosure to an affiliate of information not generally available to competitors would provide an undue competitive advantage to the affiliate. See Id.; see also 220 C.M.R. 12.03(9). In addition, although the Department's Standards of Conduct require distribution companies to share generally the same information with competitive

[3] Many of these categories were offered by the representative of New Power as categories of information currently provided by distribution companies in Ohio with suppliers in that state (Tr. at 47-48).

suppliers that they share with their competitive affiliates, such a requirement "does not apply to customer-specific information obtained with proper authorization." 220 C.M.R. 12.03(10).

Applying these sections to the sharing of customer historical usage information, the Department recognized the tension between the potential benefit to the competitive market by allowing such information to be shared, and the confidential nature of such information. See Terms & Conditions, D.P.U./D.T.E. 97-65, at 31 (1998).[4] The Department ruled that an appropriate resolution of this issue was to adopt the same means for releasing historical usage information as for obtaining authorization to switch competitive suppliers, i.e., letter of authorization, third-party verification or a customer-initiated call to an independent third party. Id. Although the Department is properly investigating whether such authorization may be expanded to encompass electronic means, such as electronic mail or the Internet, the sensitivity of this information is no less significant now than it was three years ago.

For example, a commercial or industrial customer's historical load information or interval data may be competitively sensitive because such information may reveal information about the business practices of the customer. In addition, although residential customers may not have the same type of commercial interests in their

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[4] Although the Department did not cite state law outside of the Act when promulgating its regulations regarding the sharing of customer information, the Department's interpretation of the Act is consistent with state law governing an individual's right to privacy in G.L. c. 214, § 1B. That statute states that:

> A person shall have a right against unreasonable, substantial or serious interference with his privacy. Id.

See Weld v. CVS Pharmacy, Inc., 1999 WL 494114 (Mass. Super. 1999) (Order on Defendants' Motions for Summary Judgment), in which the Superior Court refused to dismiss a claim that non-consensual disclosures of names and addresses for marketing purposes might constitute a violation of G.L. c. 214, § 1B.

electricity usage, many customers generally perceive their electricity usage (and other utility usage, such as telephone or cable television use) as private information that should not be ordered by government to be released for marketing purposes.[5] The Act reflected this general recognition about electricity usage information in directing the Department to promulgate Standards of Conduct governing the confidentiality of customer information, with associated penalties for their violation.

This rationale supports restricting the sharing of other types of customer information, as well. For example, several suppliers at the July 24 conference noted that they are not seeking distribution companies to provide them with customer credit information, presumably because they recognize the sensitivity most customers place on such information (see Tr. at 134-136, 140). General credit information can be obtained by suppliers from credit-reporting agencies that are governed by federal and state laws designed to protect consumers from the unfair dissemination of their credit history. See 15 U.S.C. § 1681 et seq (the "Fair Credit Reporting Act") and G.L. c. 93, §§ 50-68. Therefore, there is neither a need nor a compelling policy objective that justifies authorizing distribution companies to share sensitive customer credit information with suppliers without the express authorization of the customer.

In addition, information regarding whether a customer is on a budget billing plan or "universal service" is particularly sensitive because it relates to a customer's income level. At the July 24 conference, the Attorney General properly cautioned the Department against allowing such information to be shared without the consent of the customer (Tr. at 63-64). Accordingly, the Department should not allow customer

[5] The prevalence of customers with unlisted telephone numbers is particularly indicative of this point.

information other than name, address and general rate class to be shared directly with suppliers absent the consent of customers.[6]

B. An Electronic Authorization System Should Provide Customer Authorization for Release of Confidential and Proprietary Information.

Given the recognition of some participants and the Department that certain customer information should be shared directly with suppliers only after customer authorization, the Department sought comments regarding the best means of obtaining such authorization.[7] As discussed at length at the June 24 conference, customer information would be shared directly with suppliers under one of two scenarios: (1) automatically, unless customers affirmatively notified the distribution company that they wished to "opt-out" of being included on such a list; or (2) only after affirmative customer authorization ("opt-in") (Tr. at 66). As discussed below, the Department should limit distribution companies from sharing confidential or proprietary customer information directly with suppliers unless a customer has affirmatively authorized the distribution to share such information through an authorization or "opt-in" procedure.[8]

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[6] However, as described infra, except for the Department's regulation at 220 C.M.R. § 11.05(4)(a), there appear to be no legal impediments to allowing customers to authorize the sharing of their electricity information via Internet signatures, rather than "wet" signatures, so-called, and the Department should encourage the use of electronic means to facilitate customer authorization to share this information.

[7] Under existing regulations, distribution companies routinely release billing and usage data to a supplier after the customer provides the necessary authorization.

[8] In its NOI, the Department did not require distribution companies to allow customers to "opt-out" of the customer lists directed by the Department to be shared with suppliers. However, representatives of Western Massachusetts Electric Company ("WMECo") noted at the June 24 conference that, when its affiliate in Connecticut, Connecticut Light & Power Company ("CL&P's"), provided notices via bill inserts to its approximately one million customers that they had the right to opt-out of a similar information sharing program in that state, approximately 110,000 customers chose to remove their information from the company's lists (Tr. at 44). This statistic is striking in that such a large percentage of CL&P's customers chose not to share their electricity information with competitive suppliers, particularly in light of the fact that, in the experience of NSTAR Electric, only one third of customers read their bill inserts on a regular basis.

Any system by which customers' confidential or proprietary information is shared with a supplier without express customer authorization risks the perception by customers that they are being "slammed." This perception is a realistic concern because, under an "opt-out" system, customers would likely receive a bill stuffer from distribution companies that they will be sharing their electricity-related customer information with suppliers unless they are notified otherwise. However, it is the Company's experience that only about one third of customers actually read bill stuffers. Because of the lack of customer enthusiasm for reading notices from distribution companies, under an "opt-out" system, many customers will either ignore or disregard the opportunity to take their names off of the customer list, resulting in customer information being shared with suppliers without their express consent.

Although some may argue that sharing customer information without express consent is not as harmful as switching customers without such consent, customers will likely not make such a distinction if they perceive that their distribution company, via an order from the Department, has made a decision to share their confidential or proprietary information without explicit authorization. The negative perceptions of the distribution companies, the Department, the Act and industry restructuring, in general, that will result from such a system can, and should be, avoided by allowing customer information to be

shared only after affirmative consent by customers.[9]

The likely backlash against the Restructuring Act in the wake of a failed "opt-out" system would be ironic and unfair given the many provisions that the Legislature included throughout the Restructuring Act protecting customers' information and their choices in the restructured electricity market. To that end, as discussed previously, several sections of the Restructuring Act either restrict the sharing of customer information or the ability to switch customers to suppliers unless a customer affirmatively authorizes such actions. See G.L. c. 164, §§ 1C, 1F(7), 1F(8).[10] Accordingly. an "opt-out" system is not reliable enough to protect customers from the possibility that information that they perceive to be confidential or proprietary will be shared with other companies without their consent, and therefore, should not be allowed by the Department.

An authorization system that respects customers' rights to decide affirmatively whether they wish to participate in a program to share their electricity-related information

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[9] Moreover, the Department should not allow customer information to be shared pursuant to an "opt-out" system because such a system will unnecessarily confuse customers and be perceived inevitably by many that they are being treated as a commodity by their distribution company. The Department has consistently attempted to avoid customer confusion when ordering notices or other information to be sent to customers. See, e.g., Cape Light Compact. D.T.E. 00-47-A at 14 (December 8, 2000) (Department disallowed request by Cape Light Compact (the "Compact") to use Commonwealth Electric Company bill stuffers to provide "opt-out" notices by the Compact); MFS Intelenet of Massachusetts, D.P.U. 93-211, at 7-8 (1994); Quest Communications Corp., D.P.U. 93-173, at 5-6 (1994); Stenocall, D.P.U. 93-158, at 5-6 (1994) (each requiring competitive suppliers in the telecommunications industry to notify customers adequately of their rights, with the goal of avoiding customer confusion).

[10] The only exception to that paradigm in the Restructuring Act is in the context of municipal aggregation, whereby such aggregators are allowed to switch customers to an alternative suppliers via an "opt-out" system. G.L. c. 164, § 134(a). This system should be distinguished from the "opt-out" system advocated by suppliers. First, municipal aggregators are government entities with a primary duty to serve the best interests of the public. Id. Second, the Restructuring Act requires municipal aggregators to secure generation service at prices below the standard offer, and thus protects customers through such a condition. Id. Under the "opt-out" system described by suppliers at the July 24 conference, the only guarantee offered to customers is the possibility that a supplier may market services to them that may save them money on their electric bill.

with suppliers was and is the appropriate mechanism to disseminate proprietary and confidential customer information. The existing system of customer authorization for the release of information achieves this purpose, but it may be possible to enhance the existing structure to facilitate the flow of information. Many variations of an "opt-in" program are possible. Some may involve the participation of distribution companies through bill messages or stuffers. Others would have suppliers use the customer lists provided to them pursuant to the Department's NOI to identify customers and seek customer authorization to obtain information from the distribution company. It is possible that the Department may wish to consider educational efforts to support this voluntary dissemination of information to suppliers. The Company recommends that the Department form a working group to discuss various options and formulate a proposal that would both protect customers' rights and facilitate the sharing of customer information with suppliers.

C. Both Default Service and Standard Offer Service Customers May Be Included on Customer Lists.

The Department sought comments regarding whether distribution companies should expand their current customer lists of default service customers to include the names, addresses and rate classes of standard offer customers (Tr. at 58, 65). The Department has concluded that sharing the names, addresses and rate classes of default service customers directly with suppliers may promote a competitive market, without implicating proprietary customer information. NOI at 5. The initial determination to focus on identifying default service customers was predicated on the fact that default service rates are generally in excess of standards offer rates. Accordingly, it is assumed that there is a greater opportunity for suppliers to market services to default service

customers. However, the Company does not oppose providing suppliers with the names, addresses and rate classes of its standard offer customers, to the extent such information is requested by suppliers that fit the criteria outlined in the Department's NOI.

D. Customer Lists Should Be Standardized, Updated on Regular Intervals, and Be Provided to Suppliers Via the Most Cost-Efficient Means Possible.

As the frequency of requests for customer lists increase in the future, the efficient processing and distribution of such lists will become a critical factor for distribution companies and suppliers wishing to market their services to customers. Accordingly, a standardized format should be established, possibly through the working group recommended by the Company supra (see Tr. at 62).

In addition to establishing a common format for customer lists, the Department should allow distribution companies to update such lists at regular intervals, but not require lists to be updated in "real time" as suppliers request them. Although it may be possible at this early stage to print out an updated customer list each time a supplier requests it, as more information is allowed to be added to such lists (and, potentially, more categories of customers, e.g., those on Standard Offer Service), it will be costly and inefficient to provide an accurate, updated customer list to suppliers "upon request." Rather, distribution companies should be allowed to update their lists on regular intervals (e.g., quarterly), without requiring more frequent updates.

The Department should also allow distribution companies to recover the costs expended to compile and to distribute customer lists. Currently, when information is provided via established electronic-business-transaction ("EBT") protocols, suppliers are subject to a fee, although they are not uniformly imposed. Moreover, if distribution companies are required to provide customer lists or customer information via the Internet

or other electronic means, the incremental costs associated with such an exchange should be borne by suppliers. Accordingly, suppliers should be required to pay distribution companies for any costs necessary to compile and provide customer lists.

E. The Department Has Authority To Impose Penalties on Suppliers or Brokers That Misuse Customer Information

As noted previously, G.L. c. 164, § 1F(7) requires the Department to establish a code of conduct:

> …applicable to the provision of distribution and transmission services and the retail sale of electricity to all customers, including, but not limited to, rules and regulations governing the confidentiality of customer records.

This section, added by the Act, also provides that:

> any person, firm, electric or generation company, supplier, or other corporation doing business in the commonwealth who violates any provisions of said code or of any rule or regulation promulgated by the Department pursuant to sections 1A to 1H, inclusive…shall be subject to a civil penalty not to exceed $25,000 for each violation for each day that the violation persists provided, however, that the maximum civil penalty shall not exceed $1,000,000 for any related series of violations. Id.

Although the Department has not, to date, promulgated a regulation that specifically defines the types of "customer records" subject to confidentiality, nor a regulation governing suppliers' usage of confidential customer records, G.L. c. 164, § 1F(7) clearly grants the Department the authority to do so. Moreover, the penalty provisions of the section apply specifically to "any person, firm, electric or generation company, supplier or other corporation doing business in the commonwealth," terminology broad enough to cover both suppliers and electricity "brokers," as the term is commonly understood. Id. Accordingly, the Department has explicit authorization to penalize suppliers or brokers for misuse of customer electricity information.

III. BRIEFING QUESTION

In its NOI, the Department notified interested parties that it intends to investigate the use of electronic signatures as a means to facilitate transactions between customers, suppliers and distribution companies. NOI at 10. To this end, as a preliminary matter, the Department issued the following briefing question on July 27, 2001, for response in these comments:

> Please discuss whether the use of electronic signatures is valid in Massachusetts. In particular, discuss whether there is any legal impediment to the use of electronic signatures in transactions related to contemplated competitive market initiatives such as the authorization for switching a consumer to a competitive supplier or the authorization to release customer usage information. If a legal impediment is identified, please discuss how such impediment may be overcome. Where appropriate, please cite to the Massachusetts Restructuring Act, General Laws c. 164; the Department's restructuring regulations, 220 C.M.R § 11.00, et seq; and the Electronic Signatures in Global and National Commerce Act ("E-Sign"), 15 U.S.C. § 7001, et seq.

Under Massachusetts law, G.L. c. 164, § 1F(8) specifies procedures for customer authorization to initiate service from a competitive supplier. It requires that such affirmative authorization be accomplished through either: (1) the signing of a letter of authorization (2) or a telephone authorization with a third-party verification. These requirements are also reflected in the Department's regulations at 220 C.M.R. § 11.05(4)(b) and (c). In addition, G.L. c. 164, § 1C(v) prohibits distribution companies from sharing with any affiliate "market information" or proprietary customer information without the written authorization of the customer. Otherwise, the Restructuring Act does not specify the procedures for customer authorization of the release of confidential or propriety information. However, the Department's regulations require the same customer-authorization procedures as found in 220 C.M.R. § 11.05(4)(b) and (c) before suppliers may gain access to customer usage data. 220 C.M.R. § 11.05(4)(a).

Thus, there is no statutory impediment for the Department to permit electronic signatures for the authorization for the release of customer information. The only action that needs to occur is for the Department to amend the requirements of 220 C.M.R. § 11.05(4)(a). As to the issue of the initiation of service from a competitive supplier, the Department is bound by the strictures of the Restructuring Act, which requires the "signing of a letter of authorization." Although the Restructuring Act does not define the term "signing", assuming that only so-called "wet" signatures comply, the Legislature may need to change the law to permit electronic signatures to be used to authorize initiation of service by a competitive supplier.[11]

IV. CONCLUSION

NSTAR Electric appreciates the opportunity to submit comments in this proceeding and requests that the Department consider them in its deliberations regarding competitive initiatives.

[11] The Department has interpreted the words "signing" and "signed" in G.L. c. 164, § 1F(8) as requiring a written or "wet" signature, but the term is undefined in that section and, thus, is ambiguous as to whether it encompasses electronic signatures. NSTAR Electric understands that the E-Sign Act, 15 U.S.C. § 7001, et seq., which specifically authorizes electronic signatures, may have the effect of preempting contradictory state law. However, the preemptive effect of the E-Sign Act depends on detailed interpretations of its statutory language, including the scope of the terms "signing" or "signed" in section 1F(8) and whether a customer's initiation of competitive service affects "interstate" commerce. 15 U.S.C. § 7001(a). The resolution of this issue appears to go beyond the scope of this proceeding, and NSTAR Electric respectfully offers no legal opinion on the preemptive effect of the E-Sign Act on G.L. c. 164, § 1F(8).

Respectfully submitted,

NSTAR ELECTRIC

By Its Attorneys,

John Cope-Flanagan, Esq.
Assistant General Counsel
NSTAR Electric & Gas Corporation
800 Boylston Street
Boston, MA 02199
(617) 424-2103 (telephone)
(617) 424-2733 (facsimile)

-and-

Robert N. Werlin, Esq.
John K. Habib, Esq.
Keegan, Werlin & Pabian, LLP
21 Custom House Street
Boston, Massachusetts 02110
(617) 951-1400 (telephone)
(617) 951-1354 (facsimile)

Date: August 10, 2001